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BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket Nos. 05-62
Ex Parte Presentation

Dear Ms. Dortch:

On May 3, 2007, Gina Keeney of Lawler, Metzger, Milkman & Keeney, LLC, counsel for Sprint Nextel Corporation ("Sprint Nextel"), Larry Krevor, Vice President – Spectrum and I met with Cathleen Massy, Kathy Harris, Roger Noel, Michael Connelly, and David Hu of the Wireless Telecommunications Bureau ("WTB") to discuss the above-captioned proceeding.

Sprint Nextel responded to the *ex parte* letter and presentation filed in the above-captioned proceeding on April 13, 2007, by a group of private wireless interests.¹

Sprint Nextel explained that over the past several years it has acquired and continues to acquire *hundreds* of Business/Industrial Land Transportation ("B/ILT") "site-based" licenses and wide-area Specialized Mobile Radio ("SMR") licenses in the 900 MHz band to gain additional spectrum capacity to support its dual-band 800 MHz/900 MHz iDEN® network, which serves over 17 million customers, making it the largest holder of licensed 900 MHz spectrum. Sprint Nextel indicated its intention to continue to acquire additional 900 MHz spectrum from incumbent licensees in the secondary market to support its network and customers.

Sprint Nextel stressed that access to additional spectrum via an FCC auction would put to good use spectrum that has lain fallow for decades and would play a vital role in the completion of the 800 MHz band reconfiguration – a top Commission and Homeland Security priority. Significantly, Sprint Nextel noted that it cannot incorporate all of these acquired 900 MHz channels into its iDEN® operations at this time; for these channels to be useful, they must first be aggregated with adjacent 900 MHz white space channels that are not currently licensed to any

¹ Letter from Tracy P. Marshall, Keller and Heckman, to Marlene Dortch, Secretary, FCC, WT Docket No. 05-62 (April 13, 2007). This letter was filed to provide public notice of an *ex parte* meeting that included representatives of the Association of American Railroads ("AAR"), American Petroleum Institute ("API"), Enterprise Wireless Association ("EWA"), MRFAC, Inc., United Parcel Service ("UPS"), and Utilities Telecom Council ("UTC").

incumbent and that would be available only via an FCC auction.² A near term 900 MHz auction would enable Sprint Nextel to integrate that newly purchased white space spectrum into its iDEN operations rapidly, along with previously acquired 900 MHz B/ILT channels and would provide the necessary “green space” to better enable Sprint Nextel to surrender spectrum capacity on its 800 MHz network to facilitate the thousands of public safety licensee moves necessary to make 800 MHz band reconfiguration possible. Sprint Nextel stressed that access to additional 900 MHz spectrum via an auction was critical to achieving the Commission’s public safety objectives in adopting the 800 MHz band reconfiguration. A lifting of the 900 MHz “freeze,” without an auction would impair Sprint Nextel’s ability to complete 800 MHz band reconfiguration as quickly as the Commission desires.

Sprint Nextel also addressed its concern that new 900 MHz “Interference Criteria”, based on the recently adopted 800 MHz interference protection rules are not warranted. Sprint Nextel made the following points:

- There are notable differences between the 800 MHz band and the 900 MHz band making the application of the 800 MHz rules at 900 MHz inappropriate.
- In contrast to 800 MHz, the 900 MHz band contains no public safety operations.³
- In contrast to 800 MHz, there is no past, current or likely future interference problem in the 900 MHz band warranting overly protective rules. At 800 MHz, over the course of five years, there were well over 1000 reported cases of interference to public safety operations. At 900 MHz, there has been one reported case of interference from a commercial mobile radio service (“CMRS”) provider to a B/ILT licensee, and it was not Sprint Nextel. There is no demonstration of an interference problem that needs to be “solved” at 900 MHz.
- The 800 MHz interference protection rules were developed after an extensive proceeding, a well developed factual record, and real-world interference cases to examine. Because there has been little comparable interference in the 900 MHz band, no record has been developed which would warrant codifying interference protection rules.
- B/ILT operations at 900 MHz are much more limited than at 800 MHz. There are far fewer 900 MHz licensees, and those that exist much more likely to be

² Under the 900 MHz channel plan adopted in 1986, the Commission assigns 900 MHz SMR and B/ILT channels on a 12.5 kHz bandwidth basis. *Amendment of Parts 2, 15, and 90 of the Commission’s Rules and Regulations to Allocate Frequencies in the 900 MHz Reserve Band for Private Land Mobile Use*, 2 FCC Rcd 1825 (1986). Sprint Nextel’s dual-band iDEN network is designed to provide service over 25 kHz channels, the channelization the Commission adopted for the 800 MHz band; as a result, a single, non-contiguous 12.5 kHz B/ILT channel pair cannot be incorporated into Sprint Nextel’s iDEN digital, cellular network.

³ The Commission noted at paragraph 336 of the 800 MHz Report and Order that it has “less concern about unacceptable interference resulting from . . . 900 MHz ESMR use because there are no public safety channels allocated in the 900 MHz band.”

campus and internal use-only systems which should have little RF “interaction” with any Sprint Nextel or other CMRS build-out.

- The 800 MHz rules reflected a careful balancing of the burdens and operational needs of both the public safety community, private wireless and the CMRS industry. The proposed 900 MHz rules do not reflect a careful balancing, but instead appear to shift all burdens on Sprint Nextel.

Sprint Nextel then addressed the four specific interference protection requirements proposed by the private wireless interests and explained why the proposals were not appropriate for the existing 900 MHz band.

- **Minimum Signal Threshold:** The seemingly innocuous request to use the same interference standard at 900 MHz as adopted in the 800 MHz interference proceeding does not make sense. The proposal to use -101/-104 dBm as the minimum signal level threshold to obtain full interference protection reflects the 800 MHz *post-band reconfiguration environment*, whereby low-site cellular operations and high-site, high-power operations are being spectrally separated within the 800 MHz band. Here, however, if the 900 MHz band is to remain interleaved, which it apparently is, the appropriate standard should be the -85/-88 dBm standard that is in use as an interim standard *during* 800 MHz band reconfiguration. As the Commission determined in the 800 MHz band, the -85/-88 standard would put an appropriate level of obligation on a non-cellular 900 MHz licensee to deploy a robust network that warrants interference protection in an interleaved spectrum environment. The Commission recognized this in the context of 800 MHz decision, stating that “the [-101/-104 dBm] thresholds established in the 800 MHz R&O could impose substantial operational restrictions on ESMR carriers operating in the interleaved channels prior to completion of band reconfiguration.”⁴
- **Carrier to Noise:** Similarly, the proposal to use the 800 MHz post-band reconfiguration Carrier to Noise plus Interference ratio for a receiver should not be 20 dB but should be 17 dB which is the ratio adopted by the Commission while the 800 MHz band remains interleaved.
- **Minimum Receiver Requirements:** Sprint Nextel has no ability to conclusively judge whether the proposed minimum receiver requirements for intermodulation rejection, adjacent channel rejection and reference sensitivity at 900 MHz are appropriate because neither Sprint Nextel nor the industry has any experience with interference at 900 MHz of the type experienced in the 800 MHz band. Minimum receiver requirements should not be placed so low as to unfairly burden Sprint Nextel to degrade its network when B/ILT licensees typically have

the financial ability to build robust communications systems and purchase receivers that should be designed to operate in a mixed 900 MHz environment.⁵

- **Interference Resolution Procedures:**

- Sprint Nextel believes there is an insufficient record exists to warrant *codifying* interference protection procedures for the 900 MHz band. Sprint Nextel would not object, however, to following the non-public safety 800 MHz timelines for response to non-public safety 900 MHz interference complaints if the FCC believes it necessary to adopt rules rather than rely upon Best Practices.
- If the FCC believes that an electronic notification database system is warranted, it will only be effective if *all* CMRS carriers, including Cellular operators, are notified. Sprint Nextel should not be responsible for notifying other carriers.
- The CMRS industry-developed electronic notification website will already accept 900 MHz interference complaints and will notify other CMRS carriers if they have cell sites within 5000 feet of the complained of location. CMRS carriers have already made the investment and financial expenditure for an electronic system; it does not make sense for the private wireless industry to develop an entirely separate 900 MHz reporting system.

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), this letter is being filed electronically for inclusion in the public record of this proceeding.

Respectfully submitted,

[James B Goldstein](#)

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cc: Cathleen Massy
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Michael Connelly
David Hu

⁵ In the 800 MHz Supplemental Order at paragraph 43, the Commission recognized that B/ILT licensees “generally have greater access to funds sufficient to improve signal strength than public safety entities which operate on an appropriated funds basis.”